

REMARKS

The application has been reviewed in light of the Office Action mailed April 21, 2004. At the time of the Office Action, Claims 1-28 were pending in this application. Claims 1-3, 14-17 and 26-28 were rejected. Claims 4-13 and 18-25 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 26 and 27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 26 and 27 have been amended to more clearly point out and distinctly claim the subject matter which applicant regards as the invention.

Rejections under 35 U.S.C. § 102(b)

Claims 1-3, 14-17 and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,422,805 to McIntyre et al. (hereinafter "McIntyre").

Claims 2 and 3 have been canceled and the limitations of allowable claim 4 have been incorporated into independent claim 1 including all of the limitations of intervening claims 2 and 3. Claim 14 depends from amended independent claim 1 and contains all limitations thereof.

Claims 16 and 17 have been canceled and the limitations of allowable claim 18 have been incorporated into independent claim 15 including all of the limitations of intervening

claims 16 and 17. Claim 28 depends from amended independent claim 15 and contains all limitations thereof.

Objection to the Claims

Claims 4-13 and 18-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable claim 4 has been canceled and the limitations thereof have been incorporated into independent claim 1 including all of the limitations of intervening claims 2 and 3. Claims 5-13 depend from amended independent claim 1 and contain all limitations thereof.

Allowable claim 18 has been canceled and the limitations thereof have been incorporated into independent claim 15 including all of the limitations of intervening claims 16 and 17. Claims 19-25 (and 26-28) depend from amended independent claim 15 and contain all limitations thereof.

All amendments are made in a good faith effort to advance the prosecution on the merits. Applicant reserves the right to subsequently take up prosecution on the claims as originally filed in this or appropriate continuation, continuation-in-part and/or divisional applications.

Applicant respectfully requests that the amendments submitted herein be entered, and further request reconsideration in light of the amendments and remarks contained herein.

Applicant respectfully requests withdrawal of all objections and rejections, and that there be an early notice of allowance.

SUMMARY

In light of the above amendments and remarks Applicants respectfully submit that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone or facsimile.

Applicant believes that there are no fees due in association with the filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicant respectfully requests that the Commissioner accept this as a Petition Therefor, and direct that any and all fees due are charged to Baker Botts L.L.P. **Deposit Account No. 02-0383, (formerly Baker & Botts, L.L.P.) Order Number 068354.1440.**

Respectfully submitted,

BAKER BOTTS L.L.P. (023640)

By: Paul N. Katz

Paul N. Katz

Reg. No. 35,917

One Shell Plaza

910 Louisiana Street

Houston, Texas 77002-4995

Telephone: 713.229.1343

Facsimile: 713.229.7743

E-Mail: Paul.Katz@bakerbotts.com

ATTORNEY FOR APPLICANT

June 18, 2004

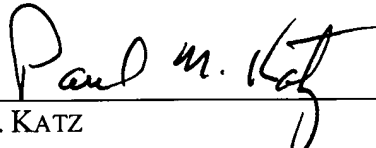


CERTIFICATE OF MAILING VIA EXPRESS MAIL

PURSUANT TO 37 C.F.R. § 1.10, I HEREBY CERTIFY THAT I HAVE A REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE," AND IS ADDRESSED TO:

HONORABLE COMMISSIONER FOR PATENTS
MAIL STOP AMENDMENT
P.O. Box 1450
ALEXANDRIA, VA 22313-1450

ON JUNE 18, 2004.



PAUL N. KATZ REG. No. 35,917

06/18/2004
DATE OF MAILING

EV449864161US
EXPRESS MAIL LABEL

RECEIVED

JUN 25 2004

Technology Center 2100

U.S.S.N.:	09/870,649
FILING DATE:	JUNE 1, 2001
APPLICANT:	MICHAEL I. CATHERWOOD
GROUP ART UNIT:	2124
EXAMINER:	NGO, CHUONG D.
ATTORNEY DOCKET No.	068354.1440
TITLE:	"EUCLIDEAN DISTANCE INSTRUCTIONS"

INCLUDED IN THIS MAILING FOR THE ABOVE-REFERENCED PATENT APPLICATION ARE:

1. RESPONSE TO NON-FINAL OFFICE ACTION MAILED APRIL 21, 2004; AND
2. RETURN POSTCARD TO ACKNOWLEDGE RECEIPT OF ABOVE ITEMS.

ATTORNEY CONTACT:	PAUL N. KATZ
	REG. No. 35,917
	BAKER BOTTS L.L.P. 023640
	TELEPHONE: 713.229.1343
	FACSIMILE: 713.229.7743
	EMAIL: PAUL.KATZ@BAKERBOTTS.COM
	PTO CUSTOMER NUMBER LABEL:

023640